

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 26, 2004 10:59

PAPER NUMBER: LTR-04-0669

LOGGING DATE: 10/25/2004

ACTION OFFICE: EDO

To: Zimmerman, NSIR

AUTHOR: Gail Sicina

AFFILIATION: NY

ADDRESSEE: Nils Diaz

SUBJECT: Safety issues at the Indian Point nuclear power plant

ACTION: Appropriate

DISTRIBUTION: RF

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LETTER DATE: 10/07/2004

ACKNOWLEDGED No

SPECIAL HANDLING: Publicly available in ADAMS via SECY/EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

*Prakash  
McLoughlin  
Downing, Amos,  
Winstanley, Freeman,  
Gorman, Berkman, Perrelli*

AMENDED

Agenda No. 11

**RESOLUTION NO. 245 OF 2004**

**RESOLUTION REQUESTING THAT THE UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, THE UNITED STATES NUCLEAR REGULATORY COMMISSION,  
THE FEDERAL AVIATION ADMINISTRATION AND THE NEW YORK STATE OFFICE OF  
HOMELAND SECURITY PROMPTLY INVESTIGATE AND ADDRESS SAFETY ISSUES AT  
THE INDIAN POINT POWER PLANT INCLUDING: (i) THE SAFE AND PROPER  
STORAGE OF SPENT FUEL RODS SO AS TO REQUIRE THE IMPLEMENTATION OF A  
SAFER STORAGE SYSTEM, SUCH AS THE HARDENED ON-SITE STORAGE ("HOSS")  
SYSTEM; (ii) THE CREATION OF A NO FLY ZONE AND (iii) THE PHYSICAL  
INSPECTION OF CABLE AND RACEWAY SYSTEMS.**

**WHEREAS**, terrorism has been posing an increasing threat since September 11, 2001;  
and

**WHEREAS**, nuclear power plants are known to be possible targets of terrorist attacks  
because of their potential for large scale destruction; and

**WHEREAS**, the National Research Council, in a July, 2002 report, states that the threat  
risk to nuclear power plants is high with potential consequences "ranging from reactor  
~~shutdowns to core meltdowns with very large releases of radioactivity.~~" The report explains  
that "nuclear power plants may present a tempting high-visibility target for terrorist attack and  
the potential for a September 11-type surprise attack in the near term using U.S. assets such as  
airplanes appears to be high." The report also notes that "such attacks could potentially have  
severe consequences if the attack were large enough." The report stresses: "Given the public  
fear of anything 'nuclear' or 'radioactive,' even a minor terrorist attack could have greatly  
magnified psychological and economic consequences." Finally, the report cautions: "Complete  
denial of the means to attack [nuclear power plants] from the air or ground using U.S. assets

such as aircraft is probably not feasible." [The June 25, 2002 report from The National Academies is titled: "Making the Nation Safer, The Role of Science and Technology in Countering Terrorism." The report can be viewed at the website of The National Academies Press at the following link: <http://books.nap.edu/html/stct/index.html>]; and

**WHEREAS**, according to a September 19, 2002 report from the National Governors Association ("NGA"), "a terrorist attack on a nuclear facility should be viewed like a terrorist attack using a dirty bomb, but possibly more catastrophic due to the volume of nuclear material available for dispersion.... Like a dirty bomb—but on a much larger scale—an attack on a nuclear facility would have long-term economic and psychological consequences. Large sections of land surrounding the facility would need to be evacuated, secured, and decontaminated. Such areas may not be inhabitable for a generation or more. Chernobyl caused the closure and evacuation of much of the nearby area, as the contamination from the decaying radioactive sources was deemed too great a risk for humans." [The September 19, 2002 NGA report is titled: "Governor's Guide to Emergency Management Volume Two: Homeland Security." The report can be viewed at the NGA's website: [www.nga.org](http://www.nga.org), Section "Attacks Against Nuclear Reactors" of Chapter 8 ("Nuclear and Radiological Terrorism") of this report.]; and

**WHEREAS**, the 9/11 Commission Report, which was released on July 22, 2004, reveals that the terrorist plot's ringleader had considered crashing a commercial airliner into a nuclear power plant in the New York area; and

**WHEREAS**, a Governor Pataki commissioned study, completed January 10, 2004, of emergency preparedness for the area around Indian Point, conducted by James Lee Witt Associates, found that, among other findings, that the plans do not consider the possible additional ramifications of a terrorist caused release and that "the current radiological response system and capabilities are not adequate to overcome their combined weight and protect the

people from an unacceptable dose of radiation in the event of a release from Indian Point, especially if the release is faster or larger than the design basis release.”; and

**WHEREAS,** Entergy, owner of the Indian Point plants, is currently proposing the construction of a dry cask storage system that would involve as many as 75 dry casks sitting on an open concrete pad which system is needed to accommodate the growing inventory of spent fuel and would be in addition to the spent fuel rods already stored in pools; and

**WHEREAS,** the spent fuel pools are the most vulnerable and potentially destructive targets because they are outside the containment structures and contain a high concentration of radioactive material; and

**WHEREAS,** existing dry cask storage of high-level radioactive waste, such as that which is proposed at the Indian Point, is not designed to withstand a determined attack and may be vulnerable to a wide array of conventional weapons readily available to terrorist groups; and

**WHEREAS,** the radioactive waste will remain in Westchester County for many years; and

**WHEREAS,** the implementation of a system of Hardened On-Site Storage (“HOSS”), designed specifically to protect this waste from terrorist attack would be the most effective means of keeping reactor communities safe from the threat of terrorism, according to a plan by the Institute for Energy and Environmental Research; and

**WHEREAS,** however, the NRC does not require the casks to be protected in such a manner; rather, the casks are typically placed on a fenced-in concrete pad; and

**WHEREAS,** it is necessary to ensure that the dry storage system at Indian Point is safe and secure and that selection of the appropriate system should be based on safeguarding public health and safety; and

**WHEREAS,** Orange County is in close proximity to Indian Point and this Legislature finds that a no-fly zone must be created above the Indian Point nuclear power plant to ensure the

public safety of the residents of the Hudson Valley region. Commercial and private aircraft should be prohibited from flying within 10 nautical miles or below 18,000 feet above 100 sensitive sites around the nation, including Indian Point. This would apply to commercial planes, private planes and helicopters. No-fly zones should be coupled with requiring the Department of Defense and the relevant departments to (a) establish regular combat air patrols (CAP) over the Indian Point plant and (b) conduct air intercept drills which include scenarios under which the potential target is Indian Point; and

**WHEREAS,** U.S. Representative Sue Kelly has asked the Nuclear Regulatory Commission for a visual inspection of the hundreds of miles of wiring at Indian Point 2 to ensure they are properly installed and will not fail following an accident or attack. "I am very disappointed that, despite repeated requests for a complete walk-down of the plant's cable and raceway system, that this proposal has not yet been supported by the NRC," Kelly wrote in a September 17<sup>th</sup> letter to NRC Chairman Nils Diaz. Cable separation concerns were raised in a formal complaint filed in March by William Lemanski, Entergy's former engineering manager. Mr. Lemanski claimed that thousands of circuits at Indian Point 2 were in violation of the cable separation rule and that the plant's electronic tracking system was not reliable.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** that the Orange County Legislature hereby urges the U. S. Department of Homeland Security, the U.S. Nuclear Regulatory Commission and the New York Office of Homeland Security to investigate and address the safe and proper storage of spent fuel rods at the Indian Point Nuclear Power Plant to meet post-9/11 standards including requiring implementation of a safer storage system, such as the hardened on-site storage ("HOSS") system, and that the recommended storage system be included in the requirements set by the U.S. Nuclear Regulatory Commission for all nuclear power plants and that the owner/operators

of New York's commercial nuclear power plants cooperate with the Federal process to fortify spent fuel storage and not obstruct the process; and it is further

**RESOLVED**, that the Orange County Legislature hereby urges the New York State Congressional Delegation to ensure that the appropriate Congressional committees investigate and hold hearings on ways to fortify the spent fuel storage system; and it is further

**RESOLVED**, that the Orange County Legislature supports the creation of a no-fly zone along with establishing regular combat air patrols and conducting air intercept drills which include scenarios under which the potential target is Indian Point; and it is further

**RESOLVED**, that the Orange County Legislature supports Rep. Kelly's call for a complete walk-down of the plant's cable and raceway system; and it is further

**RESOLVED**, that the Clerk of the Legislature be and is hereby authorized and directed to send a certified copy of this resolution to Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators; Hon. Sue Kelly, Hon. Maurice Hinchey, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; the Directors of the United States Department of Homeland Security, the United States Nuclear Regulatory Commission, the Federal Aviation Administration and the New York State Office of Homeland Security, the Hon. George Pataki, Governor of the State of New York; Hon. Thomas P. Morahan, Hon. William J. Larkin, Jr. and Hon. John J. Bonacic, New York State Senators; Hon. Thomas J. Kirwan, Hon. Aileen M. Gunther, Hon. Howard D. Mills III and Hon. Nancy Calhoun, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the New York State Public Service Commission; the Director of the New York State Office of Public Security; the Executive and/or Legislative bodies of the

following counties: Westchester, Rockland, Putnam and Dutchess; Entergy; and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

STATE OF NEW YORK  
COUNTY OF ORANGE  
OFFICE OF THE CLERK OF  
THE COUNTY LEGISLATURE }

THIS IS TO CERTIFY THAT I,

GAIL SICINA

Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the ..7th..... day of .....October, 2004....., and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of said County Legislature this .....8th..... day of .....October, 2004.....

Gail Sicina  
CLERK OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE